

# EXHIBIT 4

1 UNITED STATES DISTRICT COURT  
2 FOR THE SOUTHERN DISTRICT OF NEW YORK

3 -----x  
4 CORNELL HOLDEN, MIGUEL MEJIA, and JEFFREY K.  
5 REED, on behalf of themselves and others  
6 similarly situated,  
7 Plaintiffs,

8 v. 1:17-cv-02192-JGK-RL

9 THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY;  
10 THE PORT AUTHORITY POLICE DEPARTMENT; and  
11 MICHAEL OPROMALLA, SHAUN KEHOE, JOHN TONE,  
12 JORDAN ESPOSITO, MICHAEL DEMARTINO,  
13 RICHARD AYLMEER, and OFFICERS JOHN DOE 1-100,  
14 sued in their individual capacities and  
15 official capacities as officers of the Port  
16 Authority Police Department  
17 Defendants.

18 -----x

19 June 26, 2018  
20 10:41 a.m.

21 MICHAEL OPROMALLA  
22  
23  
24  
25

<p style="text-align: right;">Page 2</p> <p>1</p> <p>2 June 26, 2018</p> <p>3</p> <p>4 10:41 a.m.</p> <p>5</p> <p>6</p> <p>7</p> <p>8 Video recorded Deposition of MICHAEL OPROMALLA,</p> <p>9 taken by the plaintiffs, pursuant to notice, at</p> <p>10 the offices of Winston &amp; Strawn, 200 Park</p> <p>11 Avenue, New York, New York, before Mark</p> <p>12 Richman, a Certified Shorthand Reporter,</p> <p>13 Registered Professional Reporter and Notary</p> <p>14 Public within and for the State of New York.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1</p> <p>2 THE VIDEOGRAPHER: Good morning.</p> <p>3 We are going on the record at</p> <p>4 a.m. on June 26, 2018. Please note</p> <p>5 that the microphones are sensitive and</p> <p>6 may pick up whispering, private</p> <p>7 conversations and cellular</p> <p>8 interference. Please turn off all</p> <p>9 cellphones or place them away from the</p> <p>10 microphones as they can interfere with</p> <p>11 the deposition audio. Audio and video</p> <p>12 recording will continue to take place</p> <p>13 unless all parties agree to go off the</p> <p>14 record.</p> <p>15 This is media unit number 1 of</p> <p>16 the video recorded deposition of</p> <p>17 officer Michael Opromalla, taken by</p> <p>18 counsel for plaintiffs, in the matter</p> <p>19 of Cornell Holden, et al., versus The</p> <p>20 Port Authority of New York &amp; New</p> <p>21 Jersey, et al., filed in the United</p> <p>22 States District Court Southern</p> <p>23 District of New York, case number</p> <p>24 17-cv-02192-JGK RL.</p> <p>25 This deposition is being held at</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES:</p> <p>2 WINSTON &amp; STRAWN LLP</p> <p>3 Attorneys for the Plaintiffs</p> <p>4 200 Park Avenue</p> <p>5 New York, New York 10166</p> <p>6 BY: ROSS M. KRAMER, ESQ.</p> <p>7 EMILY ELLIS, ESQ.</p> <p>8 rkramer@winston.com</p> <p>9 eellis@winston.com</p> <p>10 -and-</p> <p>11 THE LEGAL AID SOCIETY</p> <p>12 199 Water Street</p> <p>13 New York, New York 10038</p> <p>14 BY: CYNTHIA CONTI-COOK, ESQ.</p> <p>15 cconti-cook@legal-aid.org</p> <p>16</p> <p>17 THE PORT AUTHORITY OF NEW YORK &amp; NEW JERSEY</p> <p>18 Attorneys for the Defendants</p> <p>19 Law Department</p> <p>20 4 World Trade Center, 24th Floor</p> <p>21 New York, New York 10006</p> <p>22 BY: KATHLEEN GILL MILLER, ESQ.</p> <p>23 THOMAS ROBERT BROPHY, ESQ.</p> <p>24 kmiller@panynj.gov</p> <p>25 tbrophy@panynj.gov</p> <p>26 ALSO PRESENT:</p> <p>27 CARLOS KING, Videographer</p> <p>28 MOLLY GRIFFARD, Intern, LAS</p> <p>29 JACK CARTWRIGHT, Intern, WS</p> <p>30 LEAH ROMM, Intern, WS</p> <p>31</p> <p>32</p> <p>33</p> <p>34</p> <p>35</p>	<p style="text-align: right;">Page 5</p> <p>1</p> <p>2 the offices of Winston &amp; Strawn</p> <p>3 located at 200 Park Avenue, New York,</p> <p>4 New York.</p> <p>5 My name is Carlos King from the</p> <p>6 firm of Veritext and I'm the</p> <p>7 videographer. The court reporter is</p> <p>8 Mark Richman also from Veritext.</p> <p>9 I'm not authorized to administer</p> <p>10 an oath. I'm not related to any party</p> <p>11 in this action. And I'm not</p> <p>12 financially interested in the outcome.</p> <p>13 Counsel and all present in the</p> <p>14 room and everyone attending remotely</p> <p>15 will now state their appearance and</p> <p>16 affiliations for the record. If there</p> <p>17 are any objections to the proceedings</p> <p>18 please state them at the time of your</p> <p>19 appearance, beginning with noticing</p> <p>20 attorney.</p> <p>21 MR. KRAMER: So I'm Ross Kramer,</p> <p>22 K-r-a-m-e-r, from Winston &amp; Strawn.</p> <p>23 With me is Emily Ellis, E-l-l-i-s,</p> <p>24 from Winston &amp; Strawn. Cynthia</p> <p>25 Conti-Cook from The Legal Aid Society.</p>

2 (Pages 2 - 5)

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1 M. OPROMALLA  
2 A. I can't recall. I didn't really  
3 communicate with them. We were in  
4 separate departments.  
5 Q. So what did you do after you  
6 left your position as a guidance  
7 counselor?  
8 A. I entered the Police Academy  
9 with The Port Authority Police Department.  
10 Q. Why did you leave your position  
11 as a guidance counselor?  
12 A. I was always curious about a  
13 career in law enforcement and decided to  
14 explore that.  
15 Q. So when did you enter the Police  
16 Academy?  
17 A. August of 2013.  
18 Q. So I don't know the answer to  
19 this. Is there a separate Police Academy  
20 for The Port Authority Police from NYPD,  
21 or is it all the same academy?  
22 A. It's a separate department.  
23 Q. It's a separate department  
24 within the same Police Academy or is it  
25 sort of a separate school in itself?

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1 M. OPROMALLA  
2 A. It is a separate academy from  
3 the NYPD.  
4 Q. Where is that located?  
5 MS. MILLER: The Port Authority  
6 Police Academy?  
7 MR. KRAMER: I'm sorry.  
8 Q. The Port Authority Police  
9 Academy?  
10 A. 241 Erie Street, Jersey City.  
11 Q. The application process for The  
12 Port Authority Police Academy, is that  
13 separate from the application you would  
14 file to the NYPD Police Academy? Does it  
15 have its own separate application process?  
16 A. Yes, it is separate.  
17 Q. Did you apply for other law  
18 enforcement jobs at the same time you  
19 applied for The Port Authority Police  
20 Academy?  
21 A. I did.  
22 Q. What other, what other law  
23 enforcement academies?  
24 A. I applied for NYPD.  
25 Q. And what was the result of your

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1 M. OPROMALLA  
2 NYPD application?  
3 A. I chose to go with The Port  
4 Authority Police Department.  
5 Q. So you were also accepted to the  
6 NYPD Police Academy?  
7 A. I was.  
8 Q. What, what made you decide to go  
9 to The Port Authority Police Academy?  
10 A. I actually, I have a family  
11 member on the job.  
12 Q. And who is that?  
13 A. Sergeant Opromalla.  
14 Q. What's his relationship with  
15 you?  
16 A. Cousins.  
17 Q. At the time you were making that  
18 decision, what was your understanding of  
19 the job of a Port Authority police  
20 officer?  
21 A. I understood The Port Authority  
22 police to patrol and uphold the laws of  
23 transportation facilities in New York &  
24 New Jersey.  
25 Q. So you started the Police

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1 M. OPROMALLA  
2 Academy, to get back on track, in August  
3 of 2013; is that right?  
4 A. That's correct.  
5 Q. How long a program is The Port  
6 Authority Police Academy?  
7 A. It's approximately five months.  
8 Q. Do you know how long the NYPD  
9 Police Academy is?  
10 A. I do not.  
11 Q. Are you paid during the time  
12 that you're at The Port Authority Police  
13 Academy?  
14 A. You are.  
15 Q. Do you live on a campus there,  
16 or do you stay living in your, in your  
17 formal residence?  
18 A. There's, there's no campus. You  
19 commute.  
20 Q. Can you describe to me the  
21 course of study at The Port Authority  
22 police Police Academy? And we will drill  
23 down to specifics. But can you give me a  
24 description of what you study at the  
25 Police Academy?

<p style="text-align: right;">Page 34</p> <p>1 M. OPROMALLA</p> <p>2 that may have a mental disability as well</p> <p>3 as homeless individuals.</p> <p>4 Q. And what were the -- what were</p> <p>5 the lessons in connection with people like</p> <p>6 you've just described?</p> <p>7 MS. MILLER: Objection. You may</p> <p>8 answer.</p> <p>9 A. From what I remember, one of the</p> <p>10 topics we discussed when dealing with</p> <p>11 someone that may have autism or a mental</p> <p>12 disability, they may not understand your</p> <p>13 questions. They may become irate. So</p> <p>14 we're taught to try to de-escalate as much</p> <p>15 as possible.</p> <p>16 Q. Would the same thing be the case</p> <p>17 for someone that you identified as, I</p> <p>18 think you mentioned homeless?</p> <p>19 A. Yes. Generally when dealing</p> <p>20 with a homeless individual, you want to</p> <p>21 try to offer them assistance, as well as</p> <p>22 any type of outreach.</p> <p>23 Q. What about somebody who was, you</p> <p>24 suspected of being intoxicated or on</p> <p>25 drugs, was that a subject that was</p>	<p style="text-align: right;">Page 36</p> <p>1 M. OPROMALLA</p> <p>2 identify as LGBT?</p> <p>3 A. We were trained to deal with</p> <p>4 everyone unbiasedly. I don't recall if</p> <p>5 there was anything specific.</p> <p>6 Q. Was there any training about, or</p> <p>7 discussion about law enforcement in</p> <p>8 connection with restrooms?</p> <p>9 A. No.</p> <p>10 Q. Was there any training or</p> <p>11 discussion about the special issues that</p> <p>12 come up with regard to places that people</p> <p>13 treat as private?</p> <p>14 MS. MILLER: Objection. You may</p> <p>15 answer.</p> <p>16 A. No.</p> <p>17 Q. You mentioned that you were</p> <p>18 trained to deal with people unbiasedly.</p> <p>19 What did that mean to you?</p> <p>20 A. To me, that means you treat</p> <p>21 people equally, regardless of race, color,</p> <p>22 religion, orientation.</p> <p>23 Q. In connection with law</p> <p>24 enforcement, do you think that that is</p> <p>25 always possible?</p>
<p style="text-align: right;">Page 35</p> <p>1 M. OPROMALLA</p> <p>2 covered?</p> <p>3 A. Yes.</p> <p>4 Q. And what were the, what were the</p> <p>5 lessons about dealing with those types of</p> <p>6 people?</p> <p>7 A. Primarily, you try to assess if</p> <p>8 they need medical attention.</p> <p>9 Q. Was there any training on</p> <p>10 dealing with people who may be, identify</p> <p>11 as LGBT?</p> <p>12 A. I don't recall.</p> <p>13 Q. Was there any training or did</p> <p>14 any of the classes touch on dealing with</p> <p>15 people of color?</p> <p>16 A. No.</p> <p>17 Q. Was there any discussion about</p> <p>18 unconscious bias amongst law enforcement?</p> <p>19 A. I don't recall.</p> <p>20 Q. Was there any discussion on</p> <p>21 issues with law enforcement targeting</p> <p>22 minorities?</p> <p>23 A. I can't recall.</p> <p>24 Q. Was there any training given at</p> <p>25 all about how to deal with people who may</p>	<p style="text-align: right;">Page 37</p> <p>1 M. OPROMALLA</p> <p>2 MS. MILLER: Objection. You may</p> <p>3 answer.</p> <p>4 A. Can you repeat?</p> <p>5 Q. In connection with your law</p> <p>6 enforcement responsibilities, do you think</p> <p>7 it's always possible or realistic to treat</p> <p>8 people the same, no matter their race or</p> <p>9 gender identification or religion?</p> <p>10 MS. MILLER: Objection. You may</p> <p>11 answer.</p> <p>12 A. I do.</p> <p>13 Q. Do you always treat people the</p> <p>14 same in connection with your law</p> <p>15 enforcement responsibilities in connection</p> <p>16 with their age?</p> <p>17 A. I do.</p> <p>18 Q. So as an experienced law</p> <p>19 enforcement officer, do you find that</p> <p>20 young people tend to commit a different</p> <p>21 type of offense than older people?</p> <p>22 MS. MILLER: Objection. You may</p> <p>23 answer.</p> <p>24 A. I'm not sure I understand.</p> <p>25 Q. Let's, let's be more specific.</p>

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1 M. OPROMALLA

2 Q. Why -- why would you think a man

3 would try to look at you while he was

4 masturbating in a bathroom if he was not a

5 gay man?

6 A. I don't know. It's possible

7 that he's gay, but I don't know for

8 certain. And I'm not making assumptions

9 about anyone. I'm strictly enforcing a

10 condition.

11 Q. Did you ever have discussions of

12 anyone else at The Port Authority -- did

13 you ever have discussion with anyone else

14 at The Port Authority Police Department

15 about whether this -- these incidents

16 involved gay men?

17 A. I'm sorry, can you repeat the

18 question?

19 Q. Let me break it down into two

20 questions.

21 Do you ever remember having

22 conversations with anyone else at The Port

23 Authority Police Department regarding

24 these incidents of public lewdness that

25 were occurring in The Port Authority men's

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1 M. OPROMALLA

2 bathrooms?

3 A. I recall being told of the

4 activities and behavior that go on in

5 there.

6 Q. Do you remember who told you

7 that, specifically?

8 A. Specifically, no.

9 Q. Would you have been told that by

10 supervisors?

11 A. That the first day I worked

12 plain clothes I was informed by a

13 supervisor that this goes on.

14 Q. You say worked plain clothes.

15 Was that the first day on the job, or was

16 it some time subsequent that you worked

17 plain clothes?

18 A. It was approximately three

19 months or so in to my career.

20 Q. And how long did you work plain

21 clothes for?

22 A. Approximately, six to eight

23 months.

24 Q. And then you went back to being

25 a uniformed officer?

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1 M. OPROMALLA

2 A. That's correct.

3 Q. Did you ever again work plain

4 clothes, or was it just that one, six to

5 eight month tour?

6 A. I had gotten the detail

7 sporadically later on in my career.

8 Q. Was this the longest detail,

9 plain clothes detail that you had in your

10 career, in 2014?

11 A. Yes.

12 Q. When you were informed that

13 there was an issue in The Port Authority

14 men's bathrooms of men engaged in public

15 lewdness, including masturbating in the

16 bathroom, were you told that this was a

17 problem with gay men?

18 A. No.

19 Q. Subsequent to that initial

20 conversation, did you ever have a

21 conversation with anyone else at The Port

22 Authority Police Department about

23 incidents of public lewdness including

24 masturbating in The Port Authority bus

25 terminal men's bathrooms?

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1 M. OPROMALLA

2 MS. MILLER: Objection. You may

3 answer.

4 A. I'm sorry, one more time.

5 Q. After that first time when you

6 were informed of this condition, do you

7 remember ever having discussions about

8 these incidents with anyone else on the --

9 in The Port Authority Police Department?

10 MS. MILLER: Objection. You may

11 answer.

12 A. I do.

13 Q. Who do you remember having

14 conversations with?

15 A. Captain Fitzpatrick. He, he had

16 explained that this was an ongoing

17 condition and that he wanted us to

18 continue to enforce the laws specifically

19 regarding this condition.

20 Q. When was that discussion with

21 Captain Fitzpatrick?

22 A. I don't recall. It was some

23 time when I first started working plain

24 clothes.

25 Q. When you started working plain

<p style="text-align: right;">Page 86</p> <p>1 M. OPROMALLA</p> <p>2 clothes, were you given any extra</p> <p>3 instruction or training?</p> <p>4 A. No.</p> <p>5 Q. Do plain clothes patrols include</p> <p>6 only the restrooms or do they include</p> <p>7 other parts of The Port Authority bus</p> <p>8 terminal as well?</p> <p>9 A. Other parts as well.</p> <p>10 Q. When you had the discussion with</p> <p>11 Captain Fitzpatrick, did either you or he</p> <p>12 mention that this situation involved gay</p> <p>13 men?</p> <p>14 A. No. Orientation wasn't the</p> <p>15 factor. It was strictly addressing this</p> <p>16 ongoing, frequent condition.</p> <p>17 Q. Do you recall having any</p> <p>18 conversations with other police officers</p> <p>19 about this condition in The Port Authority</p> <p>20 bus terminal men's rooms?</p> <p>21 MS. MILLER: Objection. You may</p> <p>22 answer again.</p> <p>23 A. Yes, other officers worked plain</p> <p>24 clothes as well and they had effected</p> <p>25 arrests for this condition as well.</p>	<p style="text-align: right;">Page 88</p> <p>1 M. OPROMALLA</p> <p>2 A. I don't remember specific</p> <p>3 conversations. I --</p> <p>4 Q. Do you remember --</p> <p>5 A. I'm sorry.</p> <p>6 Q. I didn't mean to interrupt you.</p> <p>7 If I ever do, it's my fault, I shouldn't</p> <p>8 do that. Do you patrol with partners?</p> <p>9 A. Yes.</p> <p>10 Q. How many partners have you had</p> <p>11 since you've been with The Port Authority</p> <p>12 Police Department?</p> <p>13 A. I have -- can I refrain -- can I</p> <p>14 correct something?</p> <p>15 Q. Yeah, of course.</p> <p>16 A. When you work plain clothes you</p> <p>17 have a partner.</p> <p>18 Q. Okay. So that's a good, that's</p> <p>19 a good factor. Appreciate that. So</p> <p>20 during the time that you were plain</p> <p>21 clothes in this period in 2014, did you</p> <p>22 have one partner or did you have more than</p> <p>23 one partner?</p> <p>24 A. Usually it's two partners and a</p> <p>25 sergeant -- two officers and a sergeant.</p>
<p style="text-align: right;">Page 87</p> <p>1 M. OPROMALLA</p> <p>2 Q. During any of those</p> <p>3 conversations, do you recall it coming up</p> <p>4 that these incidents involved gay men?</p> <p>5 A. No.</p> <p>6 Q. Do you recall anyone you were</p> <p>7 speaking with speculating that this was --</p> <p>8 involved gay men masturbating in The Port</p> <p>9 Authority bus terminal men's rooms?</p> <p>10 A. No, I don't recall.</p> <p>11 Q. Do you recall discussing your</p> <p>12 belief, as we discussed earlier, that it</p> <p>13 was surprising that this was going on?</p> <p>14 A. I don't remember. I just</p> <p>15 remember me being very surprised that this</p> <p>16 was a condition.</p> <p>17 Q. Do you remember other officers</p> <p>18 ever expressing surprise to you that this</p> <p>19 was a condition going on at The Port</p> <p>20 Authority bus terminal?</p> <p>21 A. Specifically, no.</p> <p>22 Q. Who do you remember having</p> <p>23 conversations with about this condition</p> <p>24 occurring at The Port Authority bus</p> <p>25 terminal?</p>	<p style="text-align: right;">Page 89</p> <p>1 M. OPROMALLA</p> <p>2 Q. So that would be a team of four</p> <p>3 people?</p> <p>4 A. No, about three.</p> <p>5 Q. Okay. So I thought it was two</p> <p>6 officers, you meant two officers beside</p> <p>7 yourself. You just mean yourself, one</p> <p>8 other officer and a sergeant?</p> <p>9 A. Generally, yes.</p> <p>10 Q. Would the -- would that team of</p> <p>11 three be the same every day, or did it</p> <p>12 rotate?</p> <p>13 A. It changed all the time.</p> <p>14 Q. So during the time that you were</p> <p>15 a -- doing this plain clothes shift, how</p> <p>16 many different partners would you say you</p> <p>17 had?</p> <p>18 MS. MILLER: Objection. You may</p> <p>19 answer.</p> <p>20 A. Say at least 10 to 15 different</p> <p>21 people.</p> <p>22 Q. Was there -- were there any</p> <p>23 partners that you worked with more</p> <p>24 frequently than others during that time</p> <p>25 period?</p>



<p style="text-align: right;">Page 170</p> <p>1 M. OPROMALLA</p> <p>2 Q. One thing that I know we touched</p> <p>3 on but I just want to make sure we've</p> <p>4 exhausted it, it's very -- a topic that</p> <p>5 I'd like to, to talk about a little more</p> <p>6 is what instructions you were given by</p> <p>7 superiors in terms of your patrols in the</p> <p>8 men's restrooms.</p> <p>9 So just recapping, correct me if</p> <p>10 I'm wrong, you were spoken to by Captain</p> <p>11 Fitzpatrick when you started your plain</p> <p>12 clothes detail about the issues of public</p> <p>13 lewdness in the men's restrooms; is that</p> <p>14 right?</p> <p>15 A. That's correct.</p> <p>16 Q. And you were also spoken to by</p> <p>17 Sergeant Miller about that same condition;</p> <p>18 is that right?</p> <p>19 A. That's correct.</p> <p>20 Q. Do you remember who spoke to you</p> <p>21 first, was it Sergeant Miller or sergeant</p> <p>22 Fitzpatrick -- or Captain Fitzpatrick?</p> <p>23 A. I believe it was Sergeant Miller</p> <p>24 the first day I worked.</p> <p>25 Q. Did Sergeant Miller give you any</p>	<p style="text-align: right;">Page 172</p> <p>1 M. OPROMALLA</p> <p>2 stand in the urinal?</p> <p>3 A. No, he didn't. I don't think</p> <p>4 there's a time limit.</p> <p>5 Q. What's the longest that you</p> <p>6 stood at a urinal waiting for this</p> <p>7 behavior to occur?</p> <p>8 A. Five, ten minutes.</p> <p>9 Q. Did you ever stand at a urinal</p> <p>10 waiting for the behavior to occur, and it</p> <p>11 didn't occur so you just walked away?</p> <p>12 A. Yes.</p> <p>13 Q. Did Sergeant Miller give you --</p> <p>14 or -- give you any instruction about</p> <p>15 interacting with people at the other</p> <p>16 urinals?</p> <p>17 A. No, he did not.</p> <p>18 Q. Did he say that you should or</p> <p>19 should not try to make eye contact with</p> <p>20 them?</p> <p>21 A. No, he did not.</p> <p>22 Q. Did he say that you should or</p> <p>23 should not try to see them -- to see their</p> <p>24 penis while you were at the urinal?</p> <p>25 A. He informed me that in order to</p>
<p style="text-align: right;">Page 171</p> <p>1 M. OPROMALLA</p> <p>2 practical instructions as to how to carry</p> <p>3 out your patrols in the men's room?</p> <p>4 A. He just informed me of what to</p> <p>5 look for in regards to public lewdness, as</p> <p>6 well as he told me to take enforcement if</p> <p>7 I saw another -- another crime or issue</p> <p>8 arise.</p> <p>9 Q. Did he ever talk about details</p> <p>10 such as whether you should approach a</p> <p>11 urinal?</p> <p>12 A. He informed me that if you stand</p> <p>13 at the urinal long enough, you may see</p> <p>14 somebody engage in this type of behavior.</p> <p>15 Q. So he said that when you go into</p> <p>16 the men's room, you might already see</p> <p>17 someone engaging in that behavior and</p> <p>18 that's one circumstance, right?</p> <p>19 A. That's correct.</p> <p>20 Q. And he also said that if you</p> <p>21 wait at the urinal for long enough,</p> <p>22 someone may start engaging in that</p> <p>23 behavior; is that right?</p> <p>24 A. That's correct.</p> <p>25 Q. Did he say how long you should</p>	<p style="text-align: right;">Page 173</p> <p>1 M. OPROMALLA</p> <p>2 have probable cause, you need to see them</p> <p>3 masturbating.</p> <p>4 Q. Did sergeant -- I keep calling</p> <p>5 him sergeant. Did Captain Fitzpatrick</p> <p>6 give you any practical instructions about</p> <p>7 how to conduct your patrol in the men's</p> <p>8 room?</p> <p>9 A. Not particularly, no.</p> <p>10 Q. Did he discuss with you whether</p> <p>11 you should or should not stand at a</p> <p>12 urinal?</p> <p>13 A. He did not. He just encouraged</p> <p>14 us in addressing the condition.</p> <p>15 Q. During any conversation where</p> <p>16 you were receiving instruction from or</p> <p>17 direction from Sergeant Miller, did he</p> <p>18 mention the terms gay or homosexual in any</p> <p>19 context?</p> <p>20 A. No.</p> <p>21 Q. And when you were having the</p> <p>22 conversation with Captain Fitzpatrick, did</p> <p>23 he mention the terms gay or homosexual in</p> <p>24 any context?</p> <p>25 A. No.</p>



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1 M. OPROMALLA  
2 testimony -- I'm sorry, withdrawn.  
3 Your testimony was that in your  
4 experience people masturbating within the  
5 men's restroom sometimes attempt to engage  
6 other patrons in the restroom; is that  
7 right?  
8 MS. MILLER: Objection. You may  
9 answer.  
10 A. That's correct.  
11 Q. And when you exited the  
12 bathroom, was Mr. Holden still in your  
13 opinion in the process of masturbating at  
14 the urinal?  
15 MS. MILLER: Objection. You may  
16 answer.  
17 A. He was.  
18 Q. Did you have any concern that if  
19 you left the bathroom he could have tried  
20 to engage someone who was not a plain  
21 clothes officer?  
22 A. It's a possibility. But at that  
23 time, as I said before, I thought it was  
24 safer for him to exit before the approach.  
25 Q. You thought it was safer to

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1 M. OPROMALLA  
2 yourself or to other patrons?  
3 MS. MILLER: Objection. You may  
4 answer again.  
5 A. To the defendant, to myself and  
6 to other patrons.  
7 Q. Did you believe it was safer for  
8 you to exit the bathroom than for you to  
9 stand back in the bathroom and wait for  
10 him to leave?  
11 A. I suppose that it would have  
12 been an option for me to observe in the  
13 bathroom, but I didn't. And it doesn't  
14 change the fact that I observed him  
15 engaging in behavior that fits the public  
16 lewdness statute.  
17 Q. If you observed -- you said  
18 you've had 14 arrests; is that right?  
19 A. That's correct.  
20 Q. 14 arrests for public lewdness,  
21 apologize. Is that right?  
22 A. That's correct.  
23 Q. In each of those cases, have you  
24 left the bathroom while a suspect was  
25 still engaged in that lewd behavior?

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1 M. OPROMALLA  
2 A. In many of the cases, yes.  
3 Because the -- from what I observed, the  
4 suspects exited shortly after.  
5 Q. But there was a period of time  
6 when you as a law enforcement agent had  
7 left the bathroom while that crime was in  
8 progress in each of those cases; is that  
9 right?  
10 A. No, that's not correct.  
11 Q. Okay, then we will get to each  
12 one if that's certainly not correct  
13 because I certainly don't want to have you  
14 say anything that's not correct.  
15 In Mr. Holden's case you left  
16 the bathroom while what you believed to be  
17 a crime was in process; is that right?  
18 A. It was in process. But like I  
19 said before, I felt it was best at the  
20 time to approach him when he exited the  
21 men's room.  
22 Q. You felt it best in connection  
23 with public safety, correct?  
24 MS. MILLER: Objection. You may  
25 answer again.

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1 M. OPROMALLA  
2 Q. I'm sorry. Did you believe that  
3 that was best in connection with public  
4 safety?  
5 A. I did.  
6 Q. Did you believe it was best to  
7 wait 20 minutes in connection with public  
8 safety?  
9 A. As a rookie officer, yes, I felt  
10 that was the best scenario.  
11 Q. Did you feel --  
12 A. As an officer --  
13 Q. My apologies.  
14 A. -- with almost five years on,  
15 maybe I would handle it differently now.  
16 Q. How would you handle it  
17 differently now?  
18 A. Perhaps I would -- I would -- I  
19 would wait in the bathroom.  
20 Q. If you had left the bathroom,  
21 would you go back in to check and see what  
22 was taking so long?  
23 MS. MILLER: Objection. You may  
24 answer.  
25 A. Yeah, I might go in to check.

<p style="text-align: right;">Page 258</p> <p>1 M. OPROMALLA</p> <p>2 A. Well I'm actually doing</p> <p>3 paperwork for a good remainder of the day.</p> <p>4 It actually takes a while.</p> <p>5 Q. So I see you didn't make any</p> <p>6 further arrests those two days; is that</p> <p>7 right?</p> <p>8 A. No, that's correct.</p> <p>9 Q. Okay. So the next one we have</p> <p>10 is I guess my exhibit L.</p> <p>11 (Exhibit 12, arrest report from</p> <p>12 May 27, 2014, no Bates number was</p> <p>13 marked for identification.)</p> <p>14 Q. We will go through these as fast</p> <p>15 as we can. I don't think we have too many</p> <p>16 specific questions. This looks like an</p> <p>17 arrest report from May 27, 2014. Right?</p> <p>18 A. Yes.</p> <p>19 Q. So the arrest we talked about of</p> <p>20 Cornell Holden was before this one, right?</p> <p>21 A. Yes.</p> <p>22 Q. It was before the first four but</p> <p>23 after this one so it would have been your</p> <p>24 fifth arrest?</p> <p>25 A. Yes, that sounds right.</p>	<p style="text-align: right;">Page 260</p> <p>1 M. OPROMALLA</p> <p>2 A. No.</p> <p>3 Q. Would you refer back to the</p> <p>4 earlier arrest paperwork in using the</p> <p>5 language on later arrest paperwork?</p> <p>6 MS. MILLER: Objection. You may</p> <p>7 answer.</p> <p>8 A. Well I mean once you do one, you</p> <p>9 kind of understand what -- how to describe</p> <p>10 masturbating. I mean that's how you</p> <p>11 describe it. It's not that complicated.</p> <p>12 So that's why the language may seem</p> <p>13 similar. But that's -- I'm just</p> <p>14 describing the acts that fit the charge of</p> <p>15 public lewdness.</p> <p>16 Q. Did you ever look at any kind of</p> <p>17 like model or guideline or boiler plate</p> <p>18 language for how to describe an arrest for</p> <p>19 public lewdness or exposure?</p> <p>20 A. No.</p> <p>21 Q. So this language was developed</p> <p>22 by you in connection with your arrests; is</p> <p>23 that right?</p> <p>24 A. I may have asked an older</p> <p>25 officer at some point, you know, what's</p>
<p style="text-align: right;">Page 259</p> <p>1 M. OPROMALLA</p> <p>2 Q. And that was within a two week</p> <p>3 span?</p> <p>4 A. Yes.</p> <p>5 Q. April 28th to May 12th?</p> <p>6 A. Yes.</p> <p>7 Q. So this was another arrest, the</p> <p>8 exhibit we're looking at now, for public</p> <p>9 lewdness and you were the arresting</p> <p>10 officer, correct?</p> <p>11 A. That's correct.</p> <p>12 Q. Do you have any independent</p> <p>13 recollection of this arrest, what happened</p> <p>14 or what the person looked like?</p> <p>15 A. I'm sorry, I don't. I can't see</p> <p>16 the name.</p> <p>17 Q. It's also hard going back and</p> <p>18 looking at the descriptions because the</p> <p>19 descriptions of all of these arrests seem</p> <p>20 to be essentially the same, right, the way</p> <p>21 that they're described in your paperwork?</p> <p>22 A. You could say that, yes.</p> <p>23 Q. Would you -- would you actually</p> <p>24 cut and paste it on a computer program</p> <p>25 from earlier arrest paperwork?</p>	<p style="text-align: right;">Page 261</p> <p>1 M. OPROMALLA</p> <p>2 the best way to articulate this. And</p> <p>3 also, you know, I thought at the time I</p> <p>4 was being descriptive, so.</p> <p>5 Q. In the four and a half years</p> <p>6 you've worked, I think you said early on</p> <p>7 you've made about 30 arrests; is that</p> <p>8 right?</p> <p>9 A. 30 arrests throughout the time</p> <p>10 I've been on with The Port Authority.</p> <p>11 Q. That's about four and a half</p> <p>12 years now, almost coming on five years?</p> <p>13 A. That's correct.</p> <p>14 Q. So, so far we've looked at six</p> <p>15 of your 30 arrests that all took place</p> <p>16 within the first four months of you</p> <p>17 arriving on the force?</p> <p>18 A. That's correct.</p> <p>19 Q. Let's go on to the next one.</p> <p>20 (Exhibit 13, arrest that was</p> <p>21 made on May 28th, 2014 no Bates number</p> <p>22 was marked for identification.)</p> <p>23 Q. We're marking this exhibit as</p> <p>24 exhibit 13. Is this an arrest that was</p> <p>25 made on May 28th, 2014 where you were the</p>

66 (Pages 258 - 261)

<p style="text-align: right;">Page 290</p> <p>1 M. OPROMALLA</p> <p>2 arrests for public lewdness and indecent</p> <p>3 exposure in those men's rooms was being</p> <p>4 communicated to the community?</p> <p>5 MS. MILLER: Objection.</p> <p>6 A. I don't know if other than</p> <p>7 newspaper articles, if it was being</p> <p>8 communicated to the community.</p> <p>9 Q. Did you believe that members of</p> <p>10 the public who were arrested using those</p> <p>11 bathrooms were members of a certain</p> <p>12 community?</p> <p>13 MS. MILLER: Objection, you may</p> <p>14 answer.</p> <p>15 A. No, I don't know how I would</p> <p>16 know that.</p> <p>17 Q. Did you or any other officer</p> <p>18 express an opinion that the people who</p> <p>19 were arrested were members of the New York</p> <p>20 gay community?</p> <p>21 A. No, I don't recall that.</p> <p>22 Q. Do you ever recall any officer</p> <p>23 with whom you worked discussing that these</p> <p>24 arrests were of gay men using the</p> <p>25 restrooms?</p>	<p style="text-align: right;">Page 292</p> <p>1 M. OPROMALLA</p> <p>2 of arrests to make?</p> <p>3 A. No.</p> <p>4 Q. Were you ever told in any of</p> <p>5 your classes or training sessions that</p> <p>6 it's unlawful to have arrest quotas?</p> <p>7 A. I don't recall.</p> <p>8 Q. We looked at your, your</p> <p>9 personnel file very briefly. In your time</p> <p>10 with The Port Authority Police Department,</p> <p>11 have you ever been disciplined?</p> <p>12 A. No.</p> <p>13 Q. Have you ever had any incidents</p> <p>14 that were reviewed by superiors?</p> <p>15 MS. MILLER: Objection.</p> <p>16 A. No.</p> <p>17 Q. Have you ever made any arrests</p> <p>18 that were questioned by superiors?</p> <p>19 A. No.</p> <p>20 Q. After the New York Times article</p> <p>21 came out, you did spend time as a plain</p> <p>22 clothes officer again; is that right?</p> <p>23 A. Yes.</p> <p>24 Q. And that's called, is that the</p> <p>25 TPU unit?</p>
<p style="text-align: right;">Page 291</p> <p>1 M. OPROMALLA</p> <p>2 A. No.</p> <p>3 MR. KRAMER: Okay. Could we</p> <p>4 take a five-minute break and we will</p> <p>5 review whether we have anything else.</p> <p>6 If we do it will be very brief and</p> <p>7 then we will call it a day.</p> <p>8 MS. MILLER: Okay.</p> <p>9 MR. KRAMER: Okay.</p> <p>10 THE VIDEOGRAPHER: The time is</p> <p>11 5:33 p.m. and we're off the record.</p> <p>12 (A recess was had.)</p> <p>13 THE VIDEOGRAPHER: The time is</p> <p>14 5:42 p.m., we're back on the record.</p> <p>15 Q. We referenced some of these</p> <p>16 arrests as being made in the second floor</p> <p>17 men's bathroom in The Port Authority bus</p> <p>18 terminal; is that right?</p> <p>19 A. That's correct.</p> <p>20 Q. And that bathroom is open to the</p> <p>21 public; is that correct?</p> <p>22 A. That's correct.</p> <p>23 Q. We also discussed very briefly</p> <p>24 the idea of quotas. Were you ever told</p> <p>25 that you had a quota for a certain number</p>	<p style="text-align: right;">Page 293</p> <p>1 M. OPROMALLA</p> <p>2 A. That's correct.</p> <p>3 Q. And as part of that plain</p> <p>4 clothes patrol, you patrolled the men's</p> <p>5 room; is that right?</p> <p>6 A. The men's room is included in</p> <p>7 the patrol of The Port Authority, yes.</p> <p>8 Q. Taking all of those subsequent</p> <p>9 plain clothes patrols together after the</p> <p>10 article came out, did you ever make</p> <p>11 another arrest in a men's bathroom for</p> <p>12 public lewdness or exposure of a person?</p> <p>13 A. I did not.</p> <p>14 Q. During the time that you were</p> <p>15 subsequently on those plain clothes</p> <p>16 patrols, did you ever observe any of the</p> <p>17 indicators that would have led you to</p> <p>18 believe that someone may have been</p> <p>19 engaging in public lewdness or exposure of</p> <p>20 a person?</p> <p>21 A. As I stated before -- as I</p> <p>22 stated before, I didn't spend a lot of</p> <p>23 time in plain clothes due to the</p> <p>24 renovations. After they renovated the</p> <p>25 bathrooms, it became a harder condition to</p>